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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,119	09/26/2000	Takashi Yumiba	2000 1253A	4870

7590 06/01/2005

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EXAMINER

CHEN, SHIN HON

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,119

Applicant(s)

YUMIBA ET AL.

Examiner

Shin-Hon Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 34-37 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitation "wherein scrambled key information" in line 2 of claim 35. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 34, 35, and 37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sogabe et al. U.S. Pat. No. 6611534 (hereinafter Sogabe).

7. As per claim 34, Sogabe discloses an information recording medium for recording scrambled data obtained by scrambling content data, the information recording medium comprising: cipher key information (Sogabe: column 9 lines 27-55); non-scrambled data including copy control information that is not scrambled (Sogabe: column 9 lines 27-55: the enciphered content includes copy control information, but the copy control information is not enciphered because the CGMS is required to generate the content key used to decrypt the enciphered content); and the scrambled data, wherein the content data is scrambled using at least the cipher key information and the copy control information to obtain the scrambled data (Sogabe: column 9 lines 27-55).

8. As per claim 35, Sogabe discloses the information recording medium of claim 34. Sogabe further discloses wherein the scrambled key information is generated from at least the cipher key information and the copy control information, and wherein the scrambled data is obtained using the scrambled key information (Sogabe: column 9 lines 27-55).

9. As per claim 37, Sogabe discloses a method for reproducing information, the method comprising: reading cipher key information, copy control information that is not scrambled and scrambled content data from an information recording medium (Sogabe: column 37: column 9 line 57 – column 10 line 15); generating descrambled key information using at least the cipher key information and the copy control information (Sogabe: column 37: column 9 line 57 –

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column 10 line 15); and descrambling the scrambled content data using the descrambled key information to obtain content data (Sogabe: column 37: column 9 line 57 – column 10 line 15).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sogabe in view of Ishiguro et al. U.S. Pat. No. 5917910 (hereinafter Ishiguro).

12. As per claim 36, Sogabe discloses a method for recording information, the method comprising: reading copy control information that is not scrambled, from content data (Sogabe: column 9 lines 27-55: the enciphered content includes copy control information, but the copy control information is not enciphered because the CGMS is required to generate the content key used to decrypt the enciphered content); generating scrambled key information using at least the cipher key information and the copy control information (Sogabe: column 9 lines 27-55); scrambling the content data using the scrambled key information to obtain scrambled content data (Sogabe: column 9 lines 27-55); and recording the scrambled content data and the unscrambled copy control information onto the information recording medium (Sogabe: column 9 lines 27-55). Sogabe does not explicitly disclose reading cipher key information from an information recording medium. However, Ishiguro discloses generating an encryption key based

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on inherent information inherent in a recording medium (Ishiguro: column 1 line 65 – column 2 line14). It would have been obvious to one having ordinary skill in the art to use the inherent encryption key information as a control key along with CGMS to generate an encryption key to encrypt content data because information recording medium can store data unique to recording medium before data is stored. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Ishiguro within the system of Sogabe because it provides strong copy protection by forcing playback device to physically read the information recording medium to determine the unique inherent information stored on the recording medium.

Response to Arguments

13. Applicant's arguments with respect to claim 34-37 have been considered but are moot in view of the new ground(s) of rejection.

14. Applicant's arguments filed on 4/15/05 have been fully considered but they are not persuasive.

15. Regarding applicant's argument on Sogabe reference, applicant argues that Sogabe reference discloses that the CGMS is enciphered because it is included in the enciphered content. However, Sogabe discloses that the enciphered content includes copy control information but the CGMS is retrieved before the enciphered content is decrypted because CGMS is required to generate the content key for decrypting the enciphered content data. Therefore, enciphered digital content include CGMS does not mean that the CGMS is enciphered thus applicant's argument is respectfully traversed.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen
Examiner
Art Unit 2131

SC


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